THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1537 OF 2005

Date: 29-08-2005

Between:

M/s Sri Lakshmi Constructions Company ..Appellant

And

Government of Andhra Pradesh rep. by

Its Principal Secretary and others ..Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1537 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ):

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Heard learned counsel for the parties.

This is an appeal against the order dated 22-06-2005 passed by the learned Single Judge in W.P.No.13345 of 2005 dismissing the writ petition. The petitioner wants enforcement of his contractual rights arising out of the contract, by which he had agreed to construct a bridge in the year 1999. His case is that because of some flash floods, he suffered losses. Therefore, the respondents should be ordered to pay compensation to him on the ground that one of the Chief Engineers had recommended payment of compensation of Rs.14 lakhs and odd. That recommendation had been made in the year 2000.

From 2000 till date five years have elapsed and the petitioner/appellant has not explained the delay in coming to this Court after five years. Besides, it is well settled that in contractual obligations and rights, this Court is always slow to exercise its jurisdiction under Article 226 of the Constitution of India. Chief Engineer's recommendation even if true, was an internal correspondence between the Chief

Engineer and the Government and it is always open for the Government to accept such recommendation or reject that recommendation. The writ petitioner in our view has lost even the time to file a suit as five years have already passed. In order to overcome the difficulty of limitation, perhaps this writ petition has been filed.

For the reasons given by the learned Single Judge or for the reasons given by us hereinabove, we dismiss this writ appeal and impose costs of Rs.1,000/- (Rupees one thousand only).

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(Bilal Nazki, ACJ)

29th August, 2005

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(R.Subhash Reddy,J)

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